

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on July 17, 2007, and the references cited therewith. Claims 1, 3, 6-10, and 18-25 are pending in this application. Claims 4-5 and 11-17 were withdrawn from consideration. Claims 1, 3 and 6-10 are currently amended. Claim 2 has been canceled.

#### **Response to Restriction**

Applicant respectfully thanks the examiner for acknowledging the Applicant's election of claims. Applicant respectfully submits that the pending claims are limitations of the elected claims.

#### **Double Patenting Rejection**

Claim 2 was objected to under 37 CFR 1.75 as being a substantial duplicate of claim 2. Applicant does not understand the Examiner's comments to this claim (e.g., claim 2 duplicate of claim 2?). In any case, Applicant has now canceled claim 2 and incorporated its limitations into independent claim 1.

#### **Claim Rejections – 35 U.S.C. §112**

Claim 1-3 and 6-10 were rejected as failing to define the invention in the manner required by 35. U.S.C. §112. Applicant respectfully submits all claims 1, 3 and 6-10 have been amended to be in proper U.S. patent application form and are no longer indefinite. Claim 2 has been canceled. Applicant respectfully thanks the Examiner for providing suggestions on how to

amend the claims to address this rejection. Per the Examiner's suggestion, Applicant has removed objected to terms including "such as", and has provided proper antecedent basis of all claim elements of Claims 1-3 and 6-10. Furthermore, Applicant has reviewed all claims for proper form.

Examiner's note

Applicant has reviewed the Examiner's note with regards to evaluating the prior art references in their entirety. Applicant respectfully submits that the applicant has amended the claims to overcome the Examiner's objections and has reviewed the prior art reference in light of the Applicant's amended claims.

Claim Rejections – 35 U.S.C. 103

Claims 1-3, 6, and 8-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Marteneau in view of Official Notice. In addition, the Office Action states that claims 1-3, 6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marteneau in view of Official Notice and further in view of Holland.

Applicant respectfully submits the merchant side system of Marteneau merely discusses a list system "employed with a shopping portal residing on a server computer accessible by a client computer." (pg. 2, paragraph [0024], lines 2-3). The merchant side system of Marteneau requires that a merchant install a registry system and make expensive modifications of their site to allow a user to shop using the registry. The merchant-side system of Marteneau does not work universally across different merchant sites, and reside in a client side browser application of the user. The single-website aggregation system of Holland also is a server-side system

which “allows registrants to collect all registries...in a single website (pg. 1, paragraph [0009]).

Holland requires merchants to affirmatively subscribe to the aggregation system so that can share a single registry system (e.g., still very expensive and cumbersome to maintain).

Applicant understands the Official Notice to be the remarks provided in the Office Action dated July 17, 2008. Applicant respectfully requests that the Examiner distinctly clarify what the Examiner believes is ordinary skill in the art in light of Marteneau in the Office Action. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). See MPEP § 2144 - § 2144.09.

In contrast to Martineau, the Official Notice, and Holland, the Applicant's amended claims disclose: " providing another menu item option in the menu options list resident on the client side internet browser application that is available after selecting the desired product item listing from the menu item option providing a user with a choice to add the desired product item listing to the product item list associated with the internet based universal product item registry account. (Claim 1). As such, Applicant's system does not require additional expense by the merchant to install. Applicant respectfully submits that claims 3, and 6-10 are allowable at least because they are dependent claims on an allowable independent claim.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (650-965-8731) to facilitate prosecution of this application.

Respectfully submitted,

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